

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

ALBERTO ALATORRE,

Plaintiff,

v.

MACTEC, INC.,

Defendant.

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Case No. 3:08-cv-0215-WKW

**ORDER**

On April 7, 2008, the court denied the plaintiff's application (Doc. # 2) to proceed *in forma pauperis* ("IFP") without prejudice and ordered him to file a corrected application on or before April 17, 2008. As of the morning of April 24, 2008, the plaintiff had yet to file his corrected IFP application and the court ordered (Doc. # 6) him to show cause why his case should not be dismissed for failure to prosecute. Later that same day, on April 24, 2008, the plaintiff filed his corrected IFP application (Doc. # 7). On May 2, 2008, the plaintiff responded (Doc. # 8) to the court's show cause order and stated the delay was the result of logistical complications in the procurement of the plaintiff's original signature for the application.

In light of the insignificant delay and the lack of any prejudice to the defendant because it has not yet been served with the complaint, the court, in its discretion, will consider the IFP application despite it having been filed out of time. Therefore, in consideration of the plaintiff's Application to Proceed Without Prepayment of Fees (Doc. # 7), it is ORDERED that the motion is GRANTED.

DONE this 13th day of May, 2008.

/s/ W. Keith Watkins  
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UNITED STATES DISTRICT JUDGE